

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,788	01/30/2002	Akihiro Denda	107156-00094	4717

7590 08/16/2004

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 600
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER

ALI, MOHAMMAD

ART UNIT PAPER NUMBER

2177

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,788

Applicant(s)

DENDA ET AL.

Examiner

Mohammad Ali

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-16-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the application filed on January 200, 2002.

The application has been examined. Claims 1-10 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2177

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumi et al. ('Matsumi' hereinafter), USP 6,711,343 in view of Fujinamo et al. ('Fujinamo' hereinafter), USP 6,385,152.

With respect to claim 1,

Matsumi discloses an information recording and reproducing apparatus for recording program information reproduced from an information recording medium or program information supplied via a communication network into recording device (see col. 6, lines 2-10, Matsumi), said apparatus comprising:

a first recording unit, provided in said recording device, for recording said program information reproduced from the information recording medium or said program information supplied via the communication network (see col. 6, lines 6-10, Matsumi);

a second recording unit, provided in said recording device, for prerecording title information corresponding to said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

control means for, when said program information is recorded into said first recording unit, (a) obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network (see col. 27, lines 17-29, Matsumi), (b) in case that the title information corresponding to said program information is obtained by searching (see col. 25, lines 6-10, Matsumi) through said second recording unit based on the management information obtained, appending the title information

Art Unit: 2177

obtained to said program information so as to be recorded into said first recording unit (see col. 27, lines 30-34, Matsumi), and (c) in case that the title information corresponding to said program information is not obtained by searching through said second recording unit based on the management information obtained, appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit (see col. 28, lines 19-22, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinami at col. 1, lines 11-14. Communication network as taught by Fujinami improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinami).

As to claim 2,

Matsumi teaches wherein, when updated title information is supplied by way of an information recording medium or via the communication network, said control means records said updated title information into said second recording unit, and searches through said second recording unit (after updating) for the title information corresponding to said program information appended with the information indicating the absence of the title information, and when the title information corresponding to said program information is obtained, said control means appends the title information obtained to said program information so as to be recorded into said first recording unit (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

As to claim 3,

Matsumi teaches wherein said control means searches through said second recording unit after updating, based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 34, lines 48-50, Matsumi).

As to claim 4,

Matsumi teaches further comprising one of the followings: reproducing means for reproducing the information recording medium having recorded the updated title information (see col. 27, lines 50 to col. 28, lines 2, Matsumi); and

receiving means for receiving the updated title information supplied via the communication network (see col. 20, lines 63-66, Matsumi).

With respect to claim 5,

Matsumi discloses a method of appending title information for appending title information to program information reproduced from an information recording medium or program information supplied via a communication network so as to be recorded into recording device (see col. 6, lines 2-10, Matsumi), said method comprising:

the step of recording said program information reproduced from the information recording medium or said program information supplied via the communication network into a first recording unit provided in said recording device (see col. 6, lines 6-10, Matsumi);

the step of, when said program information is recorded into said first recording unit, obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network, and, based on the management information obtained, searching through a second recording unit equipped in said recording device provided for pre-recording title information corresponding to said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

the step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained in said step of searching (see col. 25, lines 6-10, Matsumi), and appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said

Art Unit: 2177

program information is not obtained in said step of searching (see col. 28, lines 19-22 et seq, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinami at col. 1, lines 11-14. Communication network as taught by Fujinami improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinami).

As to claim 6,

Matsumi teaches the step of obtaining updated title information when the updated title information is supplied by way of an information recording medium or via the communication network (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi);

the step of recording the updated title information obtained into said second recording unit, and searching through said second recording unit (after

Art Unit: 2177

updating) for the title information corresponding to said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi); and

the step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained by searching through said second recording unit after updating (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

As to claim 7,

Matsumi teaches wherein, in said step of searching through said second recording unit after updating, said second recording unit after updating is searched through based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi).

With respect to claim 8,

Matsumi discloses a program recording medium having recorded a title information appending procedure program for allowing a computer to execute a process to append title information to program information reproduced from an information recording medium or program information supplied via a communication network so as to be recorded into recording device (see col. 6, lines 2-10, Matsumi), the title information appending procedure comprising:

the procedural step of recording said program information reproduced from the information recording medium or said program information supplied via

Art Unit: 2177

the communication network into a first recording unit provided in said recording device (see col. 6, lines 6-10, Matsumi);

the procedural step of, when said program information is recorded into said first recording unit, obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network; and, based on the management information obtained, searching through a second recording unit equipped in said recording device provided for pre-recording the title information corresponding to said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

the procedural step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained in said procedural step of searching, and appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is not obtained in said procedural step of searching (see col. 28, lines 19-22, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to be capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinami at col. 1, lines 11-14. Communication network as taught by Fujinami improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinami).

As to claim 9,

Matsumi teaches the procedural step of obtaining updated title information when the updated title information is supplied by way of an information recording medium or via the communication network (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi);

the procedural step of recording the updated title information obtained into said second recording unit, and searching through said second recording unit after updating for the title information corresponding to said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi); and

the procedural step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained by searching through said second recording unit after updating (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

Art Unit: 2177

As to claim 10,

Matsumi teaches wherein said procedural step of searching through said second recording unit after updating includes the procedural step of searching through said second recording unit (after updating) based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22 et seq, Matsumi).

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Mohammad Ali

Patent Examiner

AU 2177

MA

August 12, 2004